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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,601	01/09/2002	David John Weaver	RCA 88813	6446
7590 Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/030,601

Applicant(s)

WEAVER ET AL.

Examiner

Pramila Parthasarathy

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2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6,11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is in response to remarks/arguments filed on February 27, 2007.

Presently, Claims 1 – 5, 7 – 10 and 12 – 17 are pending.

***Response to Arguments***

2. Applicant's arguments filed on February 27, 2007, have been fully considered but they are not persuasive for the following reasons:

With respect to Claims 1, 10 and 14, the applicant argues that "verifying that an entitlement contained in the integrated circuit card is correct for receiving the selected content ... verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted" not disclosed in Chan. Applicant further argues that "As is well known, the term "entitlement management message" or EMM, may be specifically applied to data packets that include entitlement information in the context of digital video transmissions".

Applicant has not interpreting the cited art (Chan et al. US Patent Number 6,233,683) to include all the embodiments that are disclosed by Chan. Examiner had cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Examiner points to Chan for "verifying that an entitlement contained in the integrated circuit card is correct for receiving the selected content ... verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted" (See Chan Column 12 line 14 – Column 13 line 18), wherein Chan discloses a method for providing confidential information (entitlement) to an application using a security domain and checking the signature with the application by invoking security domain's signature (verifying the entitlement is correct for reuse of the content). Chan also discloses that the application (selected content) can be installed (downloaded & stored) must be registered and personalized (verified that the entitlement is correct).

With respect to "the integrated circuit card is separate from the memory", please refer to Chan Fig. 1 and 2 and corresponding description, for relevant information wherein content is stored in a memory of the terminal that is separate from the integrated circuit card". Furthermore, the applicant has not explicitly claimed "a memory of the terminal" that is heart of the invention. If the applicant has the special router in the invention then the examiner suggests amending the claims to explicitly recite such a router.

A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)). The prior art is replete with references disclosing "a memory of the terminal that is separate from the integrated circuit card". (See PTO 892).

Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner maintains the rejection of Claims 1, 10 and 14 along with dependent claims, which are rejected at least by virtue of their dependency on the dependent claims. Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

With respect to "As is well known, the term "entitlement management message" or EMM, may be specifically applied to data packets that include entitlement information in the context of digital video transmissions", Examiner points out that "EMM may be specifically applied to data packets that include entitlement information in the context of digital video transmission" is NOT recited in the claims and states that it is a moot argument. If applicant would like to amend the claims to include the term "entitlement management message" or EMM, may be specifically applied to data packets that include entitlement information in the context of digital video transmissions, Examiner will consider given arguments at that point.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 5, 7 – 10 and 12 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (U.S. Patent Number 6,233,683).

Regarding Claim 1, Chan teaches receiving via the terminal an input selecting content provided from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

verifying that an entitlement contained in the integrated circuit card is correct for operatively receiving the selected content (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

receiving the selected content from the server via the terminal in (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

storing the selected content in a memory of the terminal that is separate from the integrated circuit card; and verifying that the entitlement is correct for reuse when reuse of the selected content is attempted (Column 3 lines 38 – 45 and Column 12 lines 14 – 67).

Regarding Claim 10, Chan teaches a processor for processing the download of the content from the server, a memory for receiving and storing the downloaded content and an interface circuit for receiving an integrated circuit card; wherein the integrated circuit card is separate from the memory (Column 3 lines 38 – 45; Column 4 line 52 – Column 5 line 51 and Column 12 lines 14 – 53);

wherein the integrated circuit card provides an entitlement message enabling said apparatus to download the content from the server, the integrated circuit card

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containing an entitlement database for storing a plurality of entitlement messages each associated with particular content (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

and wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in memory (Column 3 lines 38 – 45 and Column 12 lines 14 – 46).

Regarding Claim 14, Chan teaches a receiver communicatively coupled to a server and adapted to receive reusable content from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

an integrated card interface adapted receive an integrated circuit card (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

a memory that is separate from the integrated circuit card (Column 3 lines 38 – 45 and Column 4 lines 52 – 61);

a processor coupled to the receiver, the integrated card interface, and the memory, the processor enabling reusable content from the server to be received and stored in the memory in response to entitlement information received from the integrated circuit card via the integrated card interface, the processor enabling reuse of the reusable content stored in memory in response to entitlement information received from the integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 2 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the selected content is a software application (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 3 and 16 are rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the selected content includes video content (Column 5 lines 17 – 51).

Claims 4 and 12 are rejected applied as above in rejecting Claims 1 and 10. Furthermore, Chan teaches wherein the integrated circuit card contains preloaded entitlements authorizing said reuse of the selected content (Column 5 line 52 – Column 6 line 19).

Claim 5 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the entitlement is loaded into the integrated circuit card from the server (Column 8 lines 10 – 54).

Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content (Column 7 line 51 – 65).



Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches downloading the entitlement for a desired content; and storing the entitlement into said integrated circuit card (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 7, 13 and 15 are rejected applied as above in rejecting Claims 1, 10 and 14. Furthermore, Chan teaches wherein the reusable content is encrypted, and further comprising: decrypting the encrypted part of the selected content provided from the server as a function of the entitlement when one of use and reuse of the selected content is attempted (Column 12 lines 14 – 53).

Claim 17 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches the processor adapted to cause the new entitlement information received via the receiver to be transmitted to the integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
May 28, 2007.

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5/29/07